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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 20th August, 1952

THE ELECTION TRIBUNAL, TRIVANDRUM

In pursuance of the provisions of Sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following Election Petition presented under Section 81 thereof is published for information as required in Section 2(3) (c) of the Act.

G. KUMARA PILLAI, *Chairman,*

Election Tribunal, Trivandrum.

BEFORE THE ELECTION COMMISSION, NEW DELHI

Election Petition presented under Section 81 of the Representation of the People Act 1951 (XLIII of 1951).

Petitioner.—Sivathanu Pillai son of Mathevan Pillai, Ramavarmapuram-Ward XIII, Nagercoil, Travancore-Cochin.

Respondents.—1. A. Nesamoney, Advocate, Nagercoil 2. Sam Nathaniel, Advocate, Nagercoil. 3. P. Thanulunga Nadar, Advocate, Nagercoil.

The humble petition of Sivathanu, Pillai, Petitioner, most respectfully sheweth as follows :—

Statement

That your Petitioner and the Respondents 1 to 3 were the candidates for the Parliamentary election from Nagercoil constituency, Travancore-Cochin State.

That the election took place on the 4th and 5th of January 1952 and the counting of votes took place on the 8th and 9th of January 1952 at the Nagercoil Sales Tax Office. The first Respondent was declared elected on the afternoon of 9th January 1952.

The result was notified in the Government of India Gazette on 14th January 1952 and republished in Travancore-Cochin Gazette on 30th January 1952.

The notification of the return of receipts and expenses of the first Respondent was published in the Travancore-Cochin Gazette on 26th February 1952.

Grounds

1. The declaration that the 1st respondent was duly elected is illegal, and the election of the 1st respondent is void for the following and other grounds to be submitted during the trial.

2. The procedure followed by the authorities concerned in the nomination and scrutiny proceedings, in polling, in counting, and declaration of results, disposal of ballot papers and other documents, ballot boxes were illegal and opposed to provisions of law.

3. The petitioner has reasonable grounds to believe that there was fraud in the Election, that there was tampering of ballot boxes and that there was fraud in counting.

(a) The Returning Officer neither counted all the boxes placed for the counting of votes nor checked them to satisfy whether all of them were received and accounted for and whether all of them were in order. He simply opened one of the three rooms in ground-floor of the Sales Tax Office where some boxes of all the four candidates were kept and instructed his subordinates to carry to the first floor Verandah of the said office, only 52 boxes bearing the name of the first Respondent written on white labels pasted on the brown wrappers of the boxes. There was no destination found written on the wrapper as per Rule 32. The Returning Officer did not get separated all the boxes allotted to each candidate from those allotted to others and placed together as per rule 46(ii) and gave no opportunity to the candidates or their agents present at the time to inspect the boxes and the seals to satisfy themselves that they were not tampered with, as required by Rule 46(iii).

(b) The Returning Officer engaged over 70 persons for counting besides 12 or 15 others to open the boxes in the Verandah and carry them to the place of counting where over 70 persons sat in two rows facing each other in two large adjacent halls in the first-floor. None of the candidates nor their agents could see from their seats in one of the halls either the counting in the two halls or the opening of the boxes in the Verandah. The 52 boxes referred in para. 3(a) were dealt with and distributed simultaneously without giving an opportunity to the candidates or agents to verify the seal on them or their inside symbol. Of the candidate and agents, the agent of the first respondent was the first to approach the counting places to inspect counting. The Returning Officer called him back immediately and did not permit him to do. On this, the petitioner alone protested. Yet the Returning Officer persisted and ruled that none should approach the place of counting.

(c) The petitioner by accident found among the unwrapped boxes in the Verandah four boxes with 'TREE' symbol of the second Respondent mixed up with the 'PITCHER' symbol boxes of the first respondent. The petitioner reported this surprise to the Returning Officer seated in a third room out of sight from the places of counting. He refused to make a record of it, but offered to find out how it happened. Meanwhile the remaining boxes of the first Respondent were brought continuously from the down-floor rooms and served to the persons for counting without any reference to the candidates or agents, while the Returning Officer had gone down-stairs and after remaining there for some time, he came upstairs and announced that he had discovered how the 'TREE' symbol boxes got mixed up with 'PITCHER' symbol boxes. He refused to make a note of this and also what he did with the 'TREE' symbol boxes. Even while the Returning Officer was down-stairs, the counting process was going on without his supervision.

(d) The ballot papers which were not even seen by the candidates or agent were not bundled conveniently as required by Rules. But brown-paper envelopes alleged to contain counted ballot papers and folded, with a white chit in between the folds were taken from the counters by a third set of persons to the two clerks who noted down the figures as per those white chits purporting to report the number of the booth and number of the counted ballot papers as having been found in the box of that booth. In several cases, along with these report chits, there were found Assembly ballot papers. Whether the counting included or excluded these, there was no showing, except that they were kept together on one side of the table.

(e) As the two clerks, one of whom read out from the report chits and the other took down the number of the booth and the number of Ballot papers contained in that number box, could not cope with the rush of such report chits, the folded brown paper envelopes came to be heaped up for disposal on another side of the same table.

(f) In this great bustling of the process of counting no form 14 or 14A was prepared as per the Rules. In fact no such paper of form No. 14 or 14A was found anywhere there. When this was required by the petitioner, the Returning Officer lounging in his separate and secluded room replied that as per instructions there was no necessity for so doing.

(g) There was no case of any rejection of Ballot papers except the fact that Assembly ballot-papers purporting to have been found in numerous ballot boxes were collected together on the table as per the instructions of the Returning Officer. The clerk concerned in noting down the figures, on the request of the petitioner, dictated to him, on the suspension of the first days' counting that there were 99 such Assembly ballot papers. There was no further information about these papers except the news-paper reports that there was only 39 invalid ballot-papers on the whole. No form No 15 was ever prepared there in respect of rejected ballot papers with their respective box numbers.

(h) In this greatly confused and illegal method of counting several other persons were found entering the halls of counting and others leaving without any check or control rendering it impossible to eliminate any mischief.

(i) The Assembly ballot-papers found in numerous boxes were not rejected but counted in favour of the first Respondent. To cite a glaring example, it was given out that the box in booth 303 contained nearly 200 Assembly ballot papers and that they were counted in favour of the first Respondent—And when asked, the Returning Officer while admitting it, refused to verify it or even show it to the petitioner.

(j) In the course of recording, by the clerk concerned as per report-chits referred to, in paras 'd' and 'e' above there were several cases of twice repeated report-chits in respect of one and the same number box showing thereby tampering and fraudulent introduction of boxes. The number of ballot papers so reported twice in respect of one and the same booth greatly differed between themselves. For example at first box of booth number HP 45/1 was reported to have contained 64 ballot-papers which was recorded by the clerk in his sheets. After some time, the same box number came up, for recording a second time as having contained 563 ballot-papers. The petitioner immediately went and asked the Returning Officer in his separate room to make a note of it specifically and allow the petitioner to check these two boxes of the same number. The Returning Officer appeared at the halls of counting and enquired as to who reported about this box H.P. 45/1. As no body responded, he instructed that the latter find of 563 ballot-papers may be kept separately on the same table and that the particular boxes concerned could be checked afterwards. So far as the petitioner was able to find out, there were 15 other similar cases of double reports with widely varying number of ballot papers in each case. These cases also, the Returning Officer refused permission to check but instructed to keep them all separately for final disposal towards the close. The numbers of these boxes are 224/1, 197/1, 223/2, 65/1, 164/1, 178/1, 79/1, 271/2, 397/1, 24/1, 332/2, 393/1, 173/1, 328/2 and 273. The Petitioner required the Returning Officer to call back at least those particular 16 pairs of boxes for purpose of checking, but he replied that ballot-boxes after being emptied were loaded then and there on lorries and transported already.

(k) The counting stood suspended at 1-15 p.m. interval on the first day of counting namely on the 8th January 1952. The petitioner, then suggested to keep under seal all the papers, packets, boxes and other records. The Returning Officer replied that there was no necessity for it and that was his responsibility. But there was no adequate precaution taken to eliminate mischief and they were left in the same places as they were at the time of suspension of counting while mid-day food was served to over 100 persons in and about the place of counting in the up-stairs, allowing other people entering and leaving it without control or check.

(l) In the midst of recording from the report-chits lying heaped on the table, the second Respondent's ballot boxes were brought up-stairs and distributed among the counters without reference to the candidates or their agents. Nothing was known about the four 'TREF' symbol boxes referred to in para (c) above. There was not even checking whether all the boxes allotted to the Second Respondent were received and were in order. And before the counting in respect of the first Respondent was completed brown-paper envelopes purporting to contain counted ballot-papers and folded on the middle with report-chits in favour of the 2nd respondent, came to be heaped up on another side of the table. The petitioner insisted on finishing what was left undone in respect of the first Respondent before dealing with the case of the second Respondent. But the Returning Officer did not move from his separate room. Thus the express provision of law was violated resulting in confusion and fraud. In this latter

case also. There were two report-chits with varying number of votes in respect of one and the same box and the envelopes containing ballot-papers as per the second report-chits were instructed similarly to be kept separately for disposal towards the end. There were several such cases, some of which are in respect of boxes of polling booths 24/1, 338/2, 393/1, 173/1, 328/2, 273, 10, 21, 19, 33, 97, 224/2, so far as the petitioner was able to find out. The Returning Officer on being requested to call for these boxes for checking, refused saying that the second Respondent who had left already was the person competent to claim so, as it related to his case.

(m) Here in this case also there were cases of Assembly ballot-papers found in several boxes. There was no form 14 or 14A or 15 prepared in respect of the second Respondent.

(n) In the midst of counting for the second Respondent, it grew dark. There was no provision of good lighting and the electric lights, as usual here, frequently went off and added to this mockery of counting, giving considerable scope for mischief. The petitioner pointed out this unsatisfactory state of affairs to the Returning Officer and asked for suspension of counting. But he insisted on finishing the whole job that night itself and hustled all of his subordinates to expedite the work to a finish. However it struck 9 P.M. when the Returning Officer himself was obliged to suspend the work, on the report to him at this separate room by his assistants of their sheer inability to see things properly with such lighting in the counting halls, in the Verandah and in the downstairs rooms where boxes were kept.

(o) There was no inclination on the part of the Returning Officer to gather up all the papers, packets, boxes, etc., and to keep them under seal. The petitioner requested him to lock the whole building at least and keep it under seal; but the Returning Officer replied that that was his responsibility. The petitioner left the place leaving the first Respondent and his agent who stayed behind and agreeing to be present the next morning at 8 A.M. which was fixed to be the time of counting by the Returning Officer.

(p) The next morning the petitioner and his agent appeared at 7-30 A.M. at the place of counting where the first Respondent and his agent were found already present. Most of the counting assistants engaged on the first day were found disbanded and another set was substituted. The petitioner understands that several of the first set were interested in the first Respondent. The petitioner on arrival found numerous boxes already removed to the upstairs Verandah to its maximum capacity, some of which were found without any wrapper. The petitioner demanded as a first thing to be done to record in form 14, 14A and 15 the counting done in the previous day and to know what he proposed as regards the numerous cases of the twice reported contents of one and the same box as mentioned in para. (j) and mixing up of "TREE" symbol and "PITCHER" symbol boxes mentioned in para. (1) before anything was done in respect of the boxes allotted to the petitioner. The Returning Officer after a talk aside with the first Respondent came and replied that all the boxes already opened were transported away already in the previous night and so were not available for inspection and that the other demands could not be complied with, as being beyond petitioner's rights and that it may be agitated before the Election court.

(q) Protesting against this deliberate and illegal conduct of the Returning Officer, the petitioner and his agent left the place. Immediately the petitioner briefly noted the above facts in a representation and sent it to the Returning Officer on emergent postal delivery the same morning seeking it to be incorporated along with his report. And also a telegraphic message about the fraud in counting was despatched to the Election Commissioner in New Delhi, followed by a despatch of the copy of the above representation by Registered post.

(r) The petitioner has reasons to believe that the declaration of the Returning Officer of the first Respondent as the elected candidate on the afternoon of 9th January 1952, was illegal and vitiated by fraud. The number of votes obtained by each candidate was not correctly and finally ascertained before the declaration was made. There was no verification as per Rule 49 nor was there any return prepared by him as per Rule 59.

(s) The Returning Officer did not give instructions to transport the ballot boxes after the poll to Nagercoll Sales Tax Office. The boxes were shifted from place to place and the petitioner has reasons to believe that they were tampered with.

(t) The duplicate forms in respect of the appointment of polling agents in numerous cases were not duly returned in time to the petitioner nor were the originals sent to the respective Presiding Officers. Consequently a large number of petitioner's agents were not permitted to enter polling stations and when complained against, the Agastiswaram Taluk Tahsildar who happened to visit some stations asked the Presiding Officers thereof, to admit them.

7. The result of the election was materially affected by the improper acceptance of the first and third Respondents' nominations. There was no declaration by them of their election agents as per Rules.

8. The election was not a free election by reason of the corrupt practices practised by the first respondent as illustrated in the appended list A rest to be furnished during trial.

9. The election of the first Respondent was vitiated by reason of the exercise of undue influence or intimidation on a large scale perpetrated by the first respondent, his agents, and others at the convenience of the first respondent. Consequently there was no free exercise of the electoral right. Particulars are given in list B.

10. The result of the election was materially affected by systematic appeal to vote on grounds of caste and religion as given in list C.

11. The first Respondent and his supporters freely indulged in bribing voters and secured them in his favour as given in list D.

12. (a) The Return of the election expenses of the first respondent is false, incorrect and incomplete. There is no return as required by law. The first respondent and his election agent have not filled declarations as required by Section 76.

(b) The first respondent has spent more than the maximum prescribed by law, but he has shown expenses to the extent of only 1921 Rs. and odd.

(c) He has deliberately omitted to state that amounts he received and spent intending to suppress his corrupt practices. So far as information is available to the petitioner, the first Respondent has received amounts from the Church of South India funds, from Dr. Mathias, S. Kumaraswamy, A. M. Simon, P. Ramaswamy Pillai, D. Thomas, all these of Nagercoil, A. Y. David a partner of R. V. Nadar & Co., Nagercoil and N. S. Sahul Hameed of Thuckalay.

13. The petitioner therefore prays that the election of the first Respondent may be declared void and it is also prayed that the cost of the petitioner may be awarded against the first respondent.

Note.—The sum of Rs. 1,000 as required by rules is remitted to the Government of India Treasury, Trivandrum vide Chalan receipt No. 7, dated 4th March 1952.

3rd March 1952.

Sd/—Petitioner.

The above are true to the best of my knowledge and belief.

Sd/—Petitioner.

List A

The following publications of hand-bills printed and published with the connivance of the 1st Respondent containing false statements regarding the personal conduct and character of the petitioner, prejudicially affected the prospects of his election. Knowing them to be false he caused such publications to produce the above effect.

I. B. Pitchakannu Pillai of Kadukkara, Thovalay Taluk at the instance of Jesudas, Editor of Thenthilakom, a warm supporter of the first Respondent, published a hand-bill dated 3rd December 1951 under the title "An appeal to the independent voters", which attributed inhuman conduct to the petitioner towards poor artisans and labourers in the matter of depriving them of their hardworked forest area covering 100 acres at the time of sowing. Secondly the petitioner was painted to be the emissary of Sir C. P. in setting up one Simpson the jungle-man with his followers against the public, implying thereby the public were brutally handled by Simpson, encouraged by the petitioner, who got dirty

remuneration, on that behalf. Thirdly the petitioner was misrepresented to the public that he was a very avaricious man indulging in unlawful and illegal gain by forcefully entering petitioner's property leased out to another poor fellow, who had cultivated the property at considerable effort. Fourthly the petitioner defrauded the Government in respect of forest area and conducted himself as a terror in these parts and if elected, he would become more a menace to the poor and labouring classes; and as such he deserved all public condemnation and ridicule and that that was the unavoidable duty of every voter. Even so, all voters should vote for Thiru A. Nesamoney, the selfless fighter for the cause of Tamilians against Pattam Thanu Pillai and the protector of the dignity of Tamilians. This was published in the Thenthilakam press owned by the same Jesudason, an active agent of the first Respondent.

II. S. I. Pandia Nadar in conjunction with A. M. Simon printed in the latter's press and published a hand-bill under the title "The Political Chicanery of Mr. M. Sivathanu Pillai dated 10th December 1951". It contained statements that the petitioner had no political honesty or integrity and he had played a very low trick in the election propaganda against first Respondent by holding him by implication to be the fifth column man of the local congress. Not satisfied with this publication, the first Respondent published again in his own weekly, "Thingal" this self-same matter on 7th December 1951.

III. Again a third hand-bill was printed at the Vinnarasi Press, Azhagappapuram, without date and published before the election. It was entitled a "a rare opportunity to the Travancore Tamil voters". The signatories and the publishers were close associates from Alagappapuram and neighbouring places, of the first Respondent who set up his client and agent one D. Chinnakkannu Nadar to circulate the above pamphlet among other things strongly supporting the first Respondent's election, contained the following false statements intended to discredit the petitioner in the public estimation. That is the petitioner was the hand-man of Sir C. P. and is one who was a partisan and accomplice with Simpson, who persecuted the public here with his gangster force. Thereby the publication implied that the petitioner was a recipient of filthy money by selling himself in the nefarious work, of persecuting the public who were opposed to Sir C. P.'s 'Independence of Travancore' campaign and propaganda.

IV. The first Respondent himself spoke at a public meeting at 5 p.m. near Monday Market, Neyvoor convened by him on 31st December 1951, to the effect that the petitioner had misappropriated properties of considerable value belonging to the members of the Sambavar community in the Thovala Taluk. He repeated the same charge at 8-30 p.m. in another public meeting convened by him at Mulagamoodu near Thuckalay on the same day night and added another charge that the petitioner was a habitual hater of Malayaless and with the cleverness of a hypocrite then approached Malayalees to vote for him. This was highly malicious and untrue.

V. The third Respondent also in his turn threw mud on the petitioner, in causing a pamphlet with title "Fill up the Card symbol boxes". It was published, without date in the Vijayalekshmi Press owned by a relative and agent of the Third Respondent and the publishers were the active canvassing agents of the third Respondent. They jointly decided to publish this pamphlet. It contained false statements that the petitioner invoked the communal feelings of the Vellala community to vote for him, that he was the captain in the mercenary gangster campaign of Simpson against the public and was also a close servant of Sir C. P. in all his exploits, he was worsted in his begging attempt to get a Congress ticket of the Malayalee congress here and so rendering himself as an object of public ridicule he went about canvassing votes for him.

List B.

I. The first Respondent's agents Johnson of Mangaraj Doraswami of Valliavilai, Thomson, Gardwin of Palappallam created violent disturbance in the public meeting held at Karungal on 12th November 1951 in connection with the election and threw stones at the platform and the car carrying Sree Jai Prakash Narayan and disturbed the meeting so as to make the speakers not heard by the gathering.

II. In another meeting at Velliavillai, on 10th December 1951 the above named persons and others from Karingal threw stones at the speakers Messrs. T. S. Ramaswamy, Sam Nathaniel the second Respondent and injured some of them including the above two and damaged the loud-speaker apparatus and disturbed the meeting. The agents at the connivance of the first Respondent made it impossible for rival candidates or their agents to go about freely without fear of violence for purposes of canvassing particularly in and near the following places, as Karingal, Madathattuvillai, Moolachil, Kotticode, Eathenvilay, Koduppakuzhi, Alanvillai, Kandanvillai, Palappallam, Kodukkavily Lekshmipuram, Kodyoor, Kannanoor, Poovancode, Kolvel, Nattalam, Kadamancode, and Malicode where the agents freely intimidated the rival parties. At Kotticode and Moolachil there were frequent cases of intimidation followed by violence on the part of the agents of the first Respondent on 26th and 29th December 1951, respectively. At Thuckalay his partisans committed violence on persons and threw stones at dead of night on the day of the announcement of the result of the election on 9th January 1952 at the residence of Mr. Neelakanta Pillai, Vakil, Thuckalay.

III. The manager of the Carmel School, Nagercoil, Father Hillari an active canvassing Agent of the First Respondent exercised undue influence over the parents of his pupils to vote for him and also over several parishes in which he was formerly their spiritual head for these places and conducted fraudulent propaganda that the Bishop had ordered them to vote in favour of the first Respondent on risk of spiritual displeasure.

IV. The warm supporters as Dr. Mathias, & S. Kumaraswamy of the Pioneer Company, Nagercoil exercised undue influence, the former over his patients and employees and the later on his employees on peril of their job to vote for the first Respondent.

V. The first Respondent as a prominent member of the Council of the Church of South India abused his position and exercised undue influence through the catechists and staff of the Mission institutions as Deacons teachers &c., over a vast section of the population on peril of their job to secure votes for him. Further he threatened numerous lessees of the extensive Mission properties and the relations at the risk of losing their lease-hold to secure votes for him as he was also the General Superintendent of those properties. He also created a general impression by wide publicity among them that he had discovered a way to find out if they did not vote for him.

VI. The first Respondent influenced voters by playing trick and fraud on the voters particularly of the Nadar community. Taking advantage of the common gullibility and ignorance of the working classes of the Nadar community and their relation to the people of other community particularly Malayalees as the latter's lessees and tenants, he successfully induced in them a general belief, that he would deliver them if voted to parliament from the clutches of the Malayalees and also would secure for them the properties and places of residence of the Malayalees for a nominal sum. This wide-spread propaganda by the first Respondent and his agents caused in the last election general and open lawlessness, loot, arson followed by all sorts of intimidation and violence resulting in Police firing and killing some persons of the Nadar Community. In this election also the first Respondent created the same atmosphere and as a consequence the Malayalees as a class who formed a minor section of the voters remained at home without going to the booth for fear of molestation and violence.

VII. The first Respondent connived at the false publication on 3rd November 1951 in "Thyaganadu" a Tamil daily owned by a relative and agent of his and also publication by means of pamphlets by his agents to the effect that the Bishop of Kottar had blessed his candidature and thus successfully induced in the Catholic community a belief that they should vote for him in accordance with the Bishop's blessing. The copies of the above issue of "Thyaganadu" and the pamphlets were widely circulated and thus he influenced their votes in his favour.

List C.

I. The spiritual head of the Catholic community namely the Bishop of Kottar issued written instructions to his congregation prohibiting them from voting in favour of Socialists & Communists and also of the candidates supported by these parties. These written instructions were read out to the congregation on the Sunday, previous to the election in all the Churches under him to the effect they would be committing a sin to vote in favour of the above sort candidates. Besides these, all the three Respondents who belong to the Nadar caste appealed to their

caste men systematically as against the petitioner, not to vote in his favour on ground of caste, and as between themselves they imported religion and appealed to their community on ground of religion as the 3rd Respondent was a Hindu and the 1 and 2 Respondent are Christians. They conducted this propaganda both in public meetings and by means of pamphlets widely circulated. The measure of the injury caused to the petitioner in the election may be realised from the fact that the Nadar community formed the major portion of the Constituency. This was a general feature in the campaign of the Respondents ignoring the very foundation of the construction providing for a secular state.

List D.

I. The first Respondent and his Supporters, Fr. Hillari and A. M. Simon paid Rs. 500 to one Sundara Raj of Periaivillai at his business place on the 29th December 1951 as compensation to the widow of one who was shot dead by the Police during the previous elections when the lawlessness prevailed and thereby induced him to secure the voters from that side by giving wide publicity to the help rendered to the widow.

II. The first Respondent called upon Dr. Mathias for the former's services to the latter in securing permission to construct his impatient ward at Nagercoil and to work for him in the election. Further he induced the belief in the said Doctor that the success of the Respondent in the election would be a source of considerable help in getting the Doctor out of his income tax trouble and as a result Dr. Mathias not only gave his Jeep car to the first Respondent but also distributed money from his pocket to purchase votes from the villages of Ganesapuram in Nagercoil, Payode, & Chemponvilay in Azhagiapandipuram, on 31st December 1951 night and also paid a day's wages to his estate employees to go and vote in favour of the 1st Respondent.

III. At the connivance of the first Respondent, money was paid to voters at Aklani cherry, Chungankadai cherry by his agents at Kalkulam constituency on January 1st, 1952 by Sahul Hamced and his son.

IV. At his instance, his partisan A. M. Simon paid money at Colachel on 1st January 1952 to the voters to vote for the first Respondent, and he also distributed money to the voters of the coastal villages of Kadiapattanam, and at Manakkudy through his father-in-law for the said purpose.

V. On the night of 24th December 1951, this A. M. Simon entertained the prominent members of the coastal village with illicit liquor in a feast in his brother's house in the presence of the first Respondent and secured their votes. Taking advantage of the communal feeling generally prevalent in this Electorate the first Respondent induced Messrs. N. A. Noormohammed, P. Ramaswamy Pillai, A. M. Simon & D. Thomas to contest election in places where he could set up his supporters of the protestant community to work for them and thus in return for such gratification he demanded and obtained the support for himself in the election of their respective communities in and around their native places viz., The Muslim section in Soorankudy and Aripputhuru, the Chetty caste people in Eraniel, the catholic coastal people at Manakkudy and Colachel and the Nadar Catholics in and about Nagercoil and Azhagappapuram, Madathattuvillay, Kandavillai & Thuckalay who freely talked about it and declared it to others for support.

VI. The first respondent induced Dr. Mathias to give under colour of loan, money to D. Thomas and A. M. Simon to reinforce their support of their communities. As per his offer to use his influence with the Congress leaders in the State, to secure a place in the Upper house for Abdul Razak, the first Respondent secured the votes of Kottar Mohammedans.

VII. Messrs. Pioner Kumaraswamy and Dr. Mathias gave one day's wages for their employees to vote for the first respondent.

VIII. Motor Vehicles T.C.T. 2726 was got by the first Respondent and freely used to carry voters to the Polling Booths in Vetturimadam, and Carmel School area on the 4th January and at Kulasekaram and Iranipuram on the 5th January 1952. Dr. Mathias T.C.T. 268 was used by to carry voters to Kesavanputhoor and Derisanamcope on the 4th January and Midalam on the 5th January. The Vehicle of one Puthali T.C.T. 3048, i.e. M.S.P. (241) a dependent of Dr. Mathias was used by the Respondent to carry voters at Alagappapuram and

Bhoothapandy on the 4th and at Nattalam on the 5th January 1952. The Vehicle T.C.T. 1783, of one Palani, a dependant of the first Respondent carried voters to the Polling Booth in Nagercoil Christian quarters and at Kottar on 4th January. Dr. Mathias Jeep T.C.T. 1271 carried voters to Vadassery Polling Booth Kottar and Ramanputhoor area on the 4th January 1952. The three Vehicles of Thuckalay Sahul Hameed, M.S.T. 3563, T.C.T. 2580 and 2565 and his son's Car T.C.Q. 1711, and T.C.T. 1499 and T.C.Q. 965 were pressed into service to carry voters to the Pooling Booths in the Thuckalay Municipal area. And T.C.T. 981, 1091, 2611, took voters to Palliyadi and Kulasekaram, and T.C.T. 1370 M.S.T. 3007, M.S.T.R. 2622 and Singer car M.S.T.R. 8374 took voters to Polling Booths at Karingal, Iranipuram, Nattalam respectively. All these were arranged by first Respondent's agents as N. S. Sahul Hameed and A. M. Simon.

5th March 1952.

Sd/- Petitioner.

The above facts are true to the best of my knowledge, information and belief.

Sd/-Petitioner.

(True Copy)

G. KUMARA PILLAI,
Chairman, Election Tribunal.

[No. 19/40/52-Elec.III.]
P. S. SUBRAMANIAN,
for Chief Election Commissioner.

